

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HARRY ARMSTRONG,

Plaintiff,

Civil Action No. C-1-01-817

vs.

CINCINNATI BELL TELEPHONE

Defendant.

Spiegel, J.  
Perelman, M.J.

**ORDER TO SHOW CAUSE**

On September 30, 2003, defendant Cincinnati Bell filed a motion for summary judgment pursuant to Fed.R.Civ. P. 56. (*See* Doc. 44). Under S.D.Ohio Civ. R. 7.2(a)(2), an opposition memorandum “shall be served and filed within twenty-one (21) days from the date of service set forth in the certificate of service attached to the Motion.” On October 28, 2003, Magistrate Judge Novotny granted plaintiff an extension of time until January 2, 2004 in which to respond to defendant’s motion for summary judgment. (Doc. 49). However, no opposition memorandum has yet been filed in this case.

Plaintiff, therefore, is **ORDERED TO SHOW CAUSE**, in writing and within **FIFTEEN DAYS** of the filing date of this Order, why defendant’s motion for summary judgment should not be granted for the reasons stated in defendant’s motion, and this case dismissed. *See Guarino v. Brookfield Township Trustees*, 980 F.2d 399, 404-05 (6th Cir.

1992) (holding that a district court properly relies upon the facts provided by a moving party when a motion for summary judgment goes unopposed). Plaintiff's failure to respond satisfactorily to this Order may also result in a dismissal of this action for failure to prosecute. *See also Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962) (districts courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution); *Walker v. Dallman*, No. 92-3817, 1993 WL 57381 (6th Cir. Mar. 4, 1993) (same).

**DATE: January 21, 2004**

s/ David S. Perelman

David S. Perelman

United States Magistrate Judge